

ritory. This is a very unsatisfactory condition of affairs, and is imposing on all concerned a train of evils, the magnitude of which it is difficult to conceive or overestimate.

PUBLIC ROADS.

The general obligation and necessity for better highways is fully acknowledged, and the question of means and expediency alone are left for consideration. Should you deem it advisable to engraft the local option feature upon the law under which counties may issue bonds for road purposes, I respectfully urge upon you the great importance of restricting the power to well defined limits in order that the people may not be burdened with a heavy public debt beyond their capacity to pay, constituting a mortgage upon their property for years to come. Nothing, in my humble judgment, short of dire necessity, can justify a people in entering into that worst of all slavery—debt—which, in most instances, is like a consuming fever and wasting consumption, and the temporary prosperity it brings is generally but the herald of death, and points to the tomb of their highest and best interests. To repeal the present road law entirely, and attempt to keep and provide for public roads by taxation alone, would be as unjust as the law now is in many of its features, and would practically confiscate the property of some sections, where it is mainly in the hands of a minority of the people, and it would exempt a large class who contribute in no other way to the necessities of the State, not even paying a poll tax. The property owners are largely burdened with the education of their children, and should not be required to furnish them good highways free of cost or exertion on their part. There is a mutuality of obligation which should not be ignored in considering this question. We learn from history that Napoleon, when Emperor, utilized the labor of the occupants of prisons upon the public roads which he planned and constructed, and in addition to this force gave employment to such paupers and poor generally as were able and desired to work. As the result of this policy the best system of roads ever built in any country was constructed in France, and the people for the time were prosperous and idleness was unknown. This would seem to suggest the wisdom of at least a better use of some of these agencies by the county authorities. With the

firm belief that you fully realize the momentous issues entrusted to your decision for the prosperity, happiness and welfare of the great body of the people, this message is respectfully submitted.

L. S. ROSS,
Governor.

Senator Townsend offered the following resolution:

Resolved, That five thousand copies of the Governor's message be printed in the English, two thousand in the German and two thousand in the Bohemian language for distribution.

Senator Burney offered the following amendment:

Amend by adding, "and two thousand in the Spanish language."

Adopted.

Senator Maetze moved to amend by "making three thousand in the German language."

Accepted.

Senator Davis offered the following substitute:

Resolved, That five thousand copies of the message of the Governor be printed in the English language.

On motion of Senator Upshaw,

The substitute was laid on the table.

Senator Townsend moved to amend so as to read:

"That copies shall be printed in the Spanish language, provided that reasonable facilities can be had for doing so."

Senator Townsend withdrew his amendment and

The resolution was adopted.

On motion of Senator Douglass,

The Senate adjourned till 10 o'clock to-morrow morning.

FOURTH DAY.

SENATE CHAMBER,
AUSTIN, January 11, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the chaplain, Dr. Smoot.

On motion of Senator Claiborne,

The further reading of the Journal was dispensed with.

The following communication was received from the Secretary of State:

DEPARTMENT OF STATE,
AUSTIN, January 8, 1889.

Hon. T. B. Wheeler, President of the Senate:

DEAR SIR—I have the honor to transmit herewith certain papers in re contested election of the Twelfth senatorial district: Wm. Green, contestant vs. E. G. Maetze, contestee.

Very respectfully,
J. M. MOORE,
Secretary of State.

The President announced the appointment of the following members of the

Committee on Mining, Geology and Irrigation: Senator Field, chairman; Senators Atlee, Stephens, Sims, Seale, Morris, Lane, Frank, Abercrombie, Jarvis, Burney, Armistead.

REPORTS OF STANDING COMMITTEES.

By Senator Jarvis:

COMMITTEE ROOM,
AUSTIN, January 11, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 14, entitled

"An act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employees of the Twenty-first Legislature,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

JARVIS,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 11, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 16, entitled

"An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the State government from March 1, A. D. 1887, to February 28, A. D. 1889, being for payment of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered, and other deficiencies;" have had the same under consideration, and instruct me

to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend the last line of section 1 by adding the words "to be paid out of the appropriation for salary of Secretary of Capitol Board."

All of which is respectfully submitted.

JARVIS,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 11, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 17, entitled

"An act making an appropriation to defray the contingent expenses of the Twenty-first Legislature," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

JARVIS,
Chairman.

Bill read first time.

On motion of Senator Pope, Senator Harrison was excused indefinitely, on account of sickness.

On motion of Senator Frank, Senator Lane was excused till Monday, on account of important business.

BILLS AND RESOLUTIONS.

By Senator Allen:

A bill to be entitled "An act to appoint a commission which shall report to each regular Legislature the necessary changes due to economy in the financial management of the institutions under the care of the State."

Referred to Finance Committee.

By Senator Davis:

A bill to be entitled "An act to purchase, improve, operate and maintain a penitentiary convict farm for the State of Texas, on which short-term convicts who have been or may be convicted of felonies, shall be worked when they cannot be profitably employed within the walls of the penitentiary, and to make an appropriation therefor."

Referred to Committee on Penitentiaries.

By Senator Woodward:

"An act to authorize the Governor, when in his judgment the circumstances surrounding each case may

warrant him in so doing, to restore to full citizenship, with the right of suffrage, any person who may have been convicted of a felony, and who may have served out his time in the penitentiary, or have been pardoned."

Referred to Judiciary Committee No. 2.

By Senator Johnson:

A bill to be entitled "An act to amend chapter 4, title XCIII, Revised Civil Statutes of the State of Texas, by adding thereto another article to be known as article 4610a, relating to the mode for preventing certain animals from running at large in counties and subdivisions."

Referred to Committee on Stock and Stockraising.

By Senator Atlee:

A bill to be entitled "An act to amend section 2 of an act to prevent fishing and hunting on the enclosed land of another, approved March 31, 1885."

[The bill seeks to define the word "posted."]

Referred to Judiciary Committee No. 2.

By Senator Morris:

A bill to be entitled "An act to amend article No. 2342, chapter 1, title 40, of the Revised Civil Statutes of the State of Texas."

[The intention of this bill is to the effect that the exemptions of personal property shall not apply where the debt is due for the purchase money of such personal property, nor for taxes due thereon.]

Referred to Judiciary Committee No. 1.

By Senator Glasscock:

A bill to be entitled "An act to allow parties to all suits for divorce to testify in their own behalf."

Referred to Judiciary Committee No. 1.

By Senator Tyler:

A bill to be entitled "An act exempting the Superintendents and other officers of the lunatic and other asylums of the State from subpoenas and attachments as expert witnesses."

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act to amend article 3014, chapter 1, title 57, Revised Civil Statutes of the State of Texas."

[The bill seeks to exempt from jury service, when they may claim it, all persons over 60 years of age, all civil

officers of this State and the United States, all overseers of roads, all ministers of the gospel engaged in the active discharge of their ministerial duties, all physicians and attorneys engaged in actual practice, all publishers of newspapers, school masters, druggists, undertakers, telegraph operators, railroad station agents, ferry-men, and all millers engaged in grist, flouring and saw mills; all presidents, vice-presidents, conductors and engineers of railroad companies, when engaged in the regular and actual discharge of the duties of their respective positions; any person who has acted as jury commissioner within the preceding twelve months, all members of volunteer guards of this State under the provisions of the title "Militia," all active members of organized fire companies, not to exceed twenty to each 1000 inhabitants in cities and towns having a population of 1000 or more inhabitants, according to the latest census.]

Referred to Judiciary Committee No. 1.

By Senator Tyler:

A bill entitled "An act to authorize and require the county commissioners of the several counties in this State to levy and collect a tax sufficient in amount to pay off and liquidate all teachers' claims for services in public free schools, which have been audited and found valid by the county commissioners, under acts of the Legislature, approved April 7, 1876, April 22, 1879, and April 12, 1883."

Referred to Finance Committee.

A bill to be entitled "An act to amend section 1 of an act (approved April 18, 1879), to amend section 1 of an act to amend sections 6 and 9 of an act to define a lawful fence, and to carry into effect sections 22 and 23, article 16, of the Constitution of the State of Texas, authorizing the passage of stock and fence laws, approved August 15, 1876, passed at the present session of the Legislature."

[The bill seeks to define a lawful fence.]

Referred to Judiciary Committee No. 1.

By Senator Cranford:

A bill to be entitled "An act to amend articles 1124 and 1126 of chapter 3, title 27, of the Revised Civil Statutes of Texas, relating to the powers and duties of district courts and the judges thereof, and to amend said chapter 3 by adding thereto another article, 1126a."

Referred to Judiciary Committee No. 1.

By Senator Frank:

A bill to be entitled "An act to amend articles 4756 and 4758, title 95, chapter 4, Revised Civil Statutes of the State of Texas, and to add thereto article 4756a, so as to provide a lien in favor of purchasers of tax sale when such are invalid by reason of informalities in assessment rolls."

Referred to Judiciary Committee No. 1.

By Senator Frank:

A bill to be entitled "An act to provide for and regulate the conveyance of convicts from the counties where sentenced or where confined after sentence to the penitentiaries and to the house of correction and reformatory."

Referred to Committee on Penitentiaries.

By Senator Cranford:

A bill to be entitled "An act to amend articles 1124 and 1166 of chapter 3, title 27, of the Revised Statutes of Texas, relating to the powers and duties of the district court and the judges thereof, and to amend said chapter 3 by adding thereto another article, 1126a."

[This bill seeks to enable district judges to assign all cases on the docket for a day certain, to make reasonable rules for the government of the district courts, to hold court for or with any other district judge, and when any district judge is disqualified from any duty required of him by law in term time or vacation, any other district judge shall have the power to act in his stead.]

Referred to Judiciary Committee No. 1.

By Senator McDonald:

A bill to be entitled "An act to amend article 3122a of the Revised Civil Statutes of Texas, in relation to landlords and tenants."

[The intention of this bill is to restrict landlords' liens in towns and cities to a term of one year.]

Referred to Judiciary Committee No. 1.

By Senator Field:

A bill to be entitled "An act to purchase State convict farms and improve the same, and work convicts thereon, and to make an appropriation therefor."

Referred to Committee on Penitentiaries.

The President announced that he had added Senator Woodward to Judiciary Committee No. 2.

On motion of Senator Jarvis, The constitutional rule requiring bills to be read on three several days was suspended, and

Senate bill No. 14,

"An act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employes of the Twenty-first Legislature," was taken up out of its regular order and read second time, by the following vote:

YEAS—29.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Seale,
Davis,	Simkins,
Douglass,	Sims,
Field,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—None.

ABSENT—1.

Pope.

The bill was ordered to be engrossed.

On motion of Senator McDonald,

The constitutional rule was further suspended and

The bill placed on its third reading and final passage by the following vote:

YEAS—28.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Maetze,
Atlee,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Douglass,	Sims,
Field,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—None.

The bill was read third time and passed.

On motion of Senator Jarvis,

The constitutional rule requiring

bills to be read on three several days was suspended, and

Senate bill No. 17, a bill to be entitled "An act making an appropriation to defray the contingent expenses of the Twenty-first Legislature," was taken up out of its regular order and read the second time, by the following vote:

YEAS—28.

Abercrombie,	Jarvis,
Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Maetze,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Pope,
Davis,	Seale,
Douglass,	Simkins,
Field,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward.

NAYS—None.

ABSENT—2.

Sims, Stephens.

The bill was ordered to be engrossed.

On motion of Senator Jarvis,

The constitutional rule was suspended, and

The bill was placed on its third reading and final passage by the following vote:

YEAS—28.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Maetze,
Atlee,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Douglass,	Sims,
Field,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—None.

The bill was read the third time and

Passed by the following vote:

YEAS—28.

Abercrombie,	Davis,
Allen,	Douglass,
Armistead,	Field,
Atlee,	Frank,
Burney,	Glasscock,
Claiborne,	Ingram,
Cranford,	Jarvis,

Johnson,
Kimbrough,
Maetze,
McDonald,
Morris,
Pope,
Seale,

Simkins,
Sims,
Stephens,
Townsend,
Tyler,
Upshaw,
Woodward.

NAYS—None.

By leave,
Senator Sims sent up the following:

COMMITTEE ROOM,

AUSTIN, January 11, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 15, entitled

"An act to amend an act approved March 29, 1882, entitled an act to amend an act entitled an act to redistrict the State into judicial districts, and to provide for the elections of judges and district attorneys of said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

H. T. SIMS,
Chairman.

Bill read first time.

On motion of Senator Abercrombie, The constitutional rule was suspended and

The bill was taken up out of its regular order and read the second time, by the following vote:

YEAS—27.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Maetze,
Atlee,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Douglass,	Sims,
Field,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Ingram,	Woodward.
Jarvis,	

NAYS—None.

ABSENT—1.

Upshaw.

The bill was ordered engrossed by the following vote:

YEAS—26.

Abercrombie,	Jarvis,
Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Maetze,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Pope,
Davis,	Seale,
Douglass,	Simkins,
Field,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Ingram,	Woodward.

NAYS—None.

ABSENT—2.

Sims, Upshaw,

On motion of Senator Abercrombie, The constitutional rule requiring bills to be read on three several days was further suspended, and

The bill placed on its third reading and final passage, by the following vote:

YEAS—28.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Maetze,
Atlee,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Douglass,	Sims,
Field,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—None.

The bill was read the third time and Passed by the following vote,

YEAS—27.

Abercrombie,	Cranford,
Allen,	Davis,
Armistead,	Douglass,
Atlee,	Field,
Burney,	Frank,
Claiborne,	Glasscock,

Ingram,	Simkins,
Jarvis,	Sims,
Johnson,	Stephens,
Kimbrough,	Townsend,
Maetze,	Tyler,
McDonald,	Upshaw,
Morris,	Woodward.
Seale,	

NAYS—None.

ABSENT—1.

Pope.

Senator Tyler entered a motion to reconsider the vote adopting the resolution offered by Senator Frank yesterday, referring to the printing and distribution of the Senate Journals.

[Senator McDonald, President pro tem, in the chair.]

Senator Upshaw offered the following resolution:

Resolved, That the President of the Senate be and is hereby authorized and empowered to appoint an Assistant Journal Clerk for the Senate.

The resolution was adopted by the following vote:

YEAS—25.

Abercrombie,	Kimbrough,
Allen,	Maetze,
Armistead,	McDonald,
Atlee,	Pope,
Burney,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Douglass,	Stephens,
Field,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—2.

Claiborne, Morris.

ABSENT—1.

Johnson.

On motion of Senator Upshaw, The Senate adjourned until 10 o'clock to-morrow morning.